

# EXHIBIT A

**From:** Randy Kleinman  
**To:** Faherty, Colleen  
**Cc:** Duffy, Conor; Li, Miriam; Sawyer, Richard  
**Subject:** RE: RFAs  
**Date:** Thursday, July 28, 2022 11:36:00 AM  
**Attachments:** [Defendants Response to RFAs to AG.pdf](#)  
[image001.png](#)

---

Collen,

Good morning. Please see the attached. Thank you.

Randy E. Kleinman, Esq.  
Partner  
Gerstman Schwartz LLP  
Gotham Government Relations & Communications  
Office: 516-880-8170  
Email: [rkleinman@gerstmanschwartz.com](mailto:rkleinman@gerstmanschwartz.com)  
[gerstmanschwartz.com](http://gerstmanschwartz.com)  
[Gothamgr.com](http://Gothamgr.com)



This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

**From:** Faherty, Colleen <[Colleen.Faherty@ag.ny.gov](mailto:Colleen.Faherty@ag.ny.gov)>  
**Sent:** Tuesday, July 26, 2022 10:52 AM  
**To:** Randy Kleinman <[rkleinman@gerstmanschwartz.com](mailto:rkleinman@gerstmanschwartz.com)>  
**Cc:** Duffy, Conor <[Conor.Duffy@ag.ny.gov](mailto:Conor.Duffy@ag.ny.gov)>; Li, Miriam <[Miriam.Li@ag.ny.gov](mailto:Miriam.Li@ag.ny.gov)>; Sawyer, Richard <[Richard.Sawyer@ag.ny.gov](mailto:Richard.Sawyer@ag.ny.gov)>  
**Subject:** RE: RFAs

[EXTERNAL SENDER]

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NATIONAL COALITION ON  
BLACK CIVIC PARTICIPATION,  
MARY WINTER, GENE  
STEINBERG, NANCY HART,  
SARAH WOLFF, KAREN SLAVEN,  
KATE KENNEDY, EDA DANIEL, and  
ANDREA SFERES,

Plaintiffs,  
-and-

People of the STATE OF NEW  
YORK, by its attorney general,  
LETITIA JAMES, ATTORNEY  
GENERAL OF THE STATE OF  
NEW YORK

Plaintiff-Intervenor,

v.

JACOB WOHL, JACK BURKMAN,  
J.M. BURKMAN & ASSOCIATES,  
LLC, PROJECT 1599, MESSAGE  
COMMUNICATIONS, INC., and  
ROBERT MAHANIAN,

Defendants.

**DEFENDANTS' OBJECTIONS AND ANSWERS TO  
PLAINTIFF-INTERVENOR'S REQUEST FOR ADMISSIONS**

Defendants Jacob Wohl (“Wohl”), Jack Burkman (“Burkman”), J.M. Burkman & Associates, LLC (“JM Burkman”), and Project 1599 (collectively, “Defendants”), by and through its undersigned counsel, and pursuant to Federal Rules of Civil Procedure 26 and 35, provides the following objections and answers in response to Plaintiff-Intervenor’s Request for Admissions.

**PRELIMINARY STATEMENT**

The following responses are made solely for the purpose of this action. Each answer is subject to all appropriate objections which would require the exclusion of any statement contained herein, if the Request for Admission were propounded, or if the answer were made, by a witness present and testifying in court. All such objections and grounds are reserved and may be interposed at the time of trial.

Except for explicit facts submitted herein, no admissions of any nature whatsoever are implied, nor should they be inferred. The fact that Defendants have responded to any Request for Admission should not be taken as an admission or acceptance of the existence of any fact or facts set forth or assumed by any interrogatory, or that such answer constitutes admissible evidence. This Preliminary Statement is, by this reference, incorporated into each and every one of the following Responses to these Requests for Admission.

**SPECIFIC OBJECTIONS AND ANSWERS**

**REQUEST FOR ADMISSION NO. 1:**

On August 26, 2020, the robocall was sent to over 85,000 phone numbers.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 2:**

Burkman and Wohl caused the robocall to be sent.

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 3:**

Burkman and Wohl prepared the contents of the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. See *United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 4:**

Burkman Wohl advertised on Craigslist seeking a "black female voice over" to record the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. See *United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 5:**

On August 24, 2020, Jana Hunt offered her voice acting services to record the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 6:**

On August 24, 2020, using the email account [nexcapitalmanagement@gmail.com](mailto:nexcapitalmanagement@gmail.com), Wohl hired Jana Hunt to record the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 7:**

On August 24, 2020, using the email account [nexcapitalmanagement@gmail.com](mailto:nexcapitalmanagement@gmail.com), Burkman hired Jana Hunt to record the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 8:**

On August 24, 2020, Wohl and Burkman used the email address [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com) to hire Jana Hunt to voice the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 9:**

Burkman contributed to the draft of the robocall script.

**RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. See *United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 10:**

Wohl contributed to the draft of the robocall script.

**RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. See *United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 11:**

On August 24, 2020, Burkman sent Jana Hunt the robocall script.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 12:**

On August 24, 2020, Wohl sent Jana Hunt the robocall script.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 13:**

In August 2020, Jacob Wohl used the email account [nexcapitalmanagement@gmail.com](mailto:nexcapitalmanagement@gmail.com).

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 14:**

In August 2020, Jack Burkman used the email account [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com).

**RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 15:**

In August 2020, Jack Burkman and Jacob Wohl worked together to control the email account [nextcapitalmanagement@gmail.com](mailto:nextcapitalmanagement@gmail.com).

**RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 16:**

On August 24, 2020, Burkman received the audio recording of the robocall from Jana Hunt.

**RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 17:**

On August 24, 2020, Wohl received the audio recording of the robocall from Jana Hunt.

**RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 18:**

On August 24, 2020, Wohl paid Jana Hunt \$250 to record the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 19:**

In a check dated August 25, 2020, J.M. Burkman & Associates reimbursed the costs of paying Jana Hunt to record the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 20:**

On August 19, 2020, Jack Burkman told Robert Mahanian that he wanted to buy more robocalls.

**RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 21:**

Burkman sent Message Communications a \$1,000 check from the bank account of J.M. Burkman & Associates to pay for the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 22:**

In August 2020, Burkman sent a \$1,000 check from the J.M. Burkman & Associates bank account to Message Communications as payment for the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

**REQUEST FOR ADMISSION NO. 23:**

In August 2020, Message Communications sent an invoice to J.M. Burkman & Associates for the robocall.

**RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl

and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 24:**

On August 25, 2020, Wohl emailed Burkman: "Attached is the audio file for the robocall. We should send it to black neighborhoods in Milwaukee, Detroit, Philadelphia, Charlotte, Richmond, Atlanta, and Cleveland." Attached to this email was an audio file with the name "1599 Vote By Mail Robo Call.wav."

**RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 25:**

On August 26, 2020, Wohl uploaded an audio file titled "1599VoteByMailRoboCall.wav" to the J.M. Burkman & Associates Message Communications account.

**RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same

facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 26:**

On August 26, 2020, Wohl uploaded the robocall audio recording to the JM Burkman Associates LLC Message Communications account.

**RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. *See United States v. 4003-4005 5th Ave., 55 F.3d 78, 80 (2d Cir. 1995).*

**REQUEST FOR ADMISSION NO. 27:**

That robocall contained the following message:

"Hi, this is Tamika Taylor from Project 1599, the civil rights organization founded by Jack Burman and Jacob Wohl. Mail-in voting sounds great, but did you know that if you vote by mail, your personal information will be part of a public database that will be used by police departments to track down old warrants and be used by credit card companies to collect outstanding debts? The CDC is even pushing to use records for mail-in voting to track people for mandatory vaccines. Don't be finessed into giving your private information to the man, stay safe and beware of vote by mail."

**RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

Admit.

**REQUEST FOR ADMISSION NO. 28:**

On August 26, 2020, Burkman and Wohl had no evidence or information supporting the claim that the act of voting by mail would cause a voter's information to be part of a public database that would be used by police departments to track down old warrants.

**RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

Denied.

**REQUEST FOR ADMISSION NO. 29:**

On August 26, 2020, Burkman and Wohl had no evidence or information supporting the claim that the act of voting by mail would cause a voter's information to be part of a public database that would be used by credit card companies to collect outstanding debts.

**RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

Denied.

**REQUEST FOR ADMISSION NO. 30:**

On August 26, 2020, Burkman and Wohl had no evidence or information supporting the claim that the CDC was pushing to use records for mail-in voting to track people for mandatory vaccines.

**RESPONSE TO REQUEST FOR ADMISSION NO. 30:**

Denied.

**REQUEST FOR ADMISSION NO. 31:**

Burkman referred to the robocall as "the black robo" because its target audience was Black people.

**RESPONSE TO REQUEST FOR ADMISSION NO. 31:**

Denied.

**REQUEST FOR ADMISSION NO. 32:**

Jacob Wohl and Burkman created the ACPI Prospectus produced in discovery as DEF004335–DEF004351.

**RESPONSE TO REQUEST FOR ADMISSION NO. 32:**

Defendants object to this Request on the grounds that it seeks information that relates directly to the criminal proceedings commenced against Defendants Wohl and Burkman, namely, *People of the State of Michigan v. Burkman and Wohl*, No. 20-004637 FH (Wohl) 20-004636 FH (Burkman), (Mich. Cir. Ct., Wayne County 2021), and *State of Ohio v. Burkman and Wohl*, No. 654013-20-CR (Ohio Criminal Division, Cuyahoga County, 2021), which arise from the same facts as the instant matter, and, therefore, present an imminent threat of violating Defendants Wohl and Burkman's Fifth Amendment privilege against self-incrimination. See *United States v. 4003-4005 5th Ave.*, 55 F.3d 78, 80 (2d Cir. 1995).

Dated: July 28, 2022

**GERSTMAN SCHWARTZ LLP**

By: /s/ Randy E. Kleinman  
Randy E. Kleinman  
David M. Schwartz  
1399 Franklin Avenue, Suite 200  
Garden City, New York 11530  
Telephone: (516) 880-8170  
Facsimile: (516) 880-8171  
[rkleinman@gerstmanschwartz.com](mailto:rkleinman@gerstmanschwartz.com)  
[dschwartz@gerstmanschwartz.com](mailto:dschwartz@gerstmanschwartz.com)

*Attorneys for Defendants*